

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

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	)	
IN RE: PHARMACEUTICAL INDUSTRY	)	
AVERAGE WHOLESALE PRICE	)	MDL No. 1456
LITIGATION	)	Civil Action No. 01-CV-12257-PBS
	)	
	)	
	x	
	)	
THIS DOCUMENT RELATES TO:	)	Hon. Patti B. Saris
International Union of Operating Engineers,	)	
Local No. 68 Welfare Fund v. AstraZeneca PLC	)	
et al. Civil Action No. 04-11503-PBS	)	
	)	
	x	

**DECLARATION OF LUCY FOWLER IN SUPPORT OF ASTRAZENECA'S  
SECOND SUPPLEMENTAL MEMORANDUM OF LAW IN OPPOSITION TO  
MOTION FOR REMAND BY PLAINTIFF INTERNATIONAL UNION OF  
OPERATING ENGINEERS, LOCAL NO. 68 WELFARE FUND**

I, Lucy Fowler, hereby declare that:

1. I am an associate at Foley Hoag LLP, which serves as counsel to defendant AstraZeneca Pharmaceuticals LP in the above-captioned litigation.
  
2. This declaration is submitted in support of AstraZeneca's Second Supplemental Memorandum of Law in Opposition to Motion for Remand by Plaintiff International Union of Operating Engineers, Local No. 68 Welfare Fund.
  
3. Attached as Exhibit 1 is a true and correct copy of the Affidavit of Terry K. Sherman, dated September 27, 2005.

4. Attached as Exhibit 2 is a true and correct copy of the Affidavit of Michael M. Mustokoff, dated October 17, 2005.
5. Attached as Exhibit 3 is a true and correct copy of a draft Memorandum of Understanding faxed to Michael M. Mustokoff on either June 27 or 28, 2003 (MUST 0079-0086).
6. Attached as Exhibit 4 is a true and correct copy of a July 8, 2003 letter from Donald E. Haviland, Jr. to Michael M. Mustokoff, Jack Fernandez, Terry K. Sherman, and John E. Keefe, Jr. (BERK 005-007, MUST 0074-0076).
7. Attached as Exhibit 5 is a true and correct copy of a July 9, 2003 letter from Terry K. Sherman to William Holland, Deputy Clerk of the United States District Court, District of New Jersey (BERK 004).
8. Attached as Exhibit 6 is a true and correct copy of the docket sheet for International Union v. AstraZeneca PLC, et al., 3:03-cv-03230-SRC-JJH, United States District Court, District of New Jersey.
9. Attached as Exhibit 7 is a true and correct copy of the docket sheet for IUOE Local 68 WF v. AstraZeneca PLC, et al., C 000193 03, Superior Court of New Jersey, Equity Division, Monmouth County.
10. Attached as Exhibit 8 is a true and correct copy of the docket sheet for International Union of Operating Engineers, Local No. 68 Welfare Fund v.

AstraZeneca PLC, et al., 1:04-cv-11503-PBS, United States District Court,  
District of Massachusetts.

11. Attached as Exhibit 9 is a true and correct copy of the docket sheet for Citizens for Consumer Justice, et al. v. Abbott Laboratories, et al., 1:01-cv-12257-PBS, United States District Court, District of Massachusetts, April 21, 2005 through December 6, 2005.
12. Attached as Exhibit 10 is a true and correct copy of an October 26, 2005 letter from TerriAnne Benedetto to James J. Duffy.
13. Attached as Exhibit 11 is a true and correct copy of the Affidavit of Jack Fernandez, dated July 18, 2003.
14. Attached as Exhibit 12 is a true and correct copy of the Joinder of Defendant, Saad Antoun, M.D. in Plaintiff's Motion for Remand, or, in the Alternative, Motion to Remand Pursuant to 28 U.S.C. § 1448, dated July 18, 2003.
15. Attached as Exhibit 13 is a true and correct copy of the Joinder of Defendant Stanley C. Hopkins, M.D. in Plaintiff's Motion for Remand, or, in the Alternative, Motion to Remand Pursuant to 28 U.S.C. § 1448, including the Limited Entry of Appearance, dated August 4, 2003.
16. Attached as Exhibit 14 is a true and correct copy of the Settlement Agreement in Stetser v. TAP Pharmaceuticals, Inc, 1-CV-5268, North Carolina General Court

of Justice, Superior Court Division, New Hanover County, filed on August 27,  
2002.

By: /s/ Lucy Fowler

DATED: December 28, 2005

Boston, MA

Lucy Fowler (BBO# 647929)  
FOLEY HOAG LLP  
155 Seaport Boulevard  
Boston, MA 02110

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was delivered to all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2, by sending on December 28, 2005, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Lucy Fowler